

TPC



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Our Case No. 03-214-A)

In re Application of:)
Bao, et al.)
Serial No.: 10/789,831)
Filed: February 27, 2004)
For: Label-Free Gene Expression Profiling With)
Universal Nanoparticle Probes in Microarray)
Assay Format)
Examiner: TBA
Group Art Unit: TBA
Confirmation No.: TBA

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

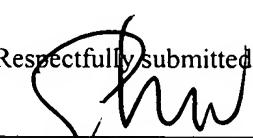
Sir:

In regard to the above identified application.

1. We are transmitting herewith the attached:
 - a) Fifth Supplemental Information Disclosure Statement;
 - b) U.S. PTO 1449 Form with copies of 4 references; and
 - c) Return Postcard.
2. With respect to fees:
 - a) No fee is attached.
 - b) General Authorization: Please charge any underpayment or credit any overpayment our Deposit Account No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20 day of July, 2004.

Date: 7/30/04

Respectfully submitted,


Emily Miao
Registration No. 35,285



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For: Label-Free Gene Expression Profiling)
With Universal Nanoparticle Probes in) Confirmation No.: TBA
Microarray Assay Format)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In order to comply with discretionary regulations 37 CFR §§1.97 and 1.98, attached hereto is Form PTO-1449, copies¹ of the documents listed thereon. These documents contain information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

1. WO 92/04469 published 19 March 1992
2. WO 90/02205 published 8 March 1990
3. Borman, *Chem.Eng. News*, December 9, 1996, pp. 42-43 (1996)
4. Tomlinson et al. *Anal Biochem*, Vol. 171, pp. 217-222 (1998)

¹To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the file of a parent application. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited, then none is known to undersigned.

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

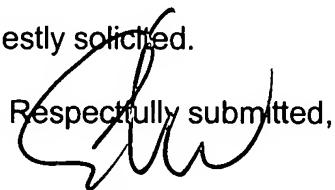
The present Disclosure Statement is being submitted in compliance with 37 CFR 1.56 insofar as an Examiner might consider any of the cited documents important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is earnestly solicited.

Dated: 7/30/04

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Respectfully submitted,


Emily Miao
Registration No. 35,285

Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 03-214-A	Serial No. 10/789,831
<p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>O I P E</i> AUG 02 2004 U.S. PATENT & TRADEMARK OFFICE</p>		<p>Applicant: Bao, et al.</p>	
		Filing Date: February 27, 2004	Group: TBA

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes No
	1.	WO 92/04469	19 March 1992	PCT			X
	2.	WO 90/02205	8 March 1990	PCT			X

OTHER DOCUMENTS - Including Author, Title, Date, Pertinent Pages, Etc.

Examiner	Date Considered
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with any communication.



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Case No. 03-214-A

USSN 10/789.831

Art Unit TBA

Confirmation No. TBA

Fifth Supplemental Information Disclosure Statement

4 References